

LMB

Payless March 27, 2008
AB

AB

SCR

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

EINSCHREIBEN

Atty IDS USPTA: March 28 2008

Atty 106 Due US: May 27, 2008

27/02/2008

PAYMENT DUE

within **ONE MONTH** from
the above date of mailing

international filing date
(day/month/year)

31/07/2007

SMITHS MEDICAL MD, INC.

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~known~~ on the extra sheet:

And It considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated below/on the extra sheet:

- (i) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

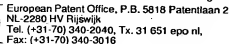
$$\frac{\text{EUR } 1.615,00}{\text{Fee per additional invention}} \times \frac{1}{\text{number of additional inventions}} = \frac{\text{EUR } 1.615}{\text{total amount of additional fees}}$$

Or, _____ x _____

The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.**

3. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Authorized officer _____



Katrin Sommermeyer

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-4, 6-9, 10-16, 18

The first invention relates to the modification of a patient specific protocol for the programming of a medical infusion pump, by providing a user interface configured to allow user adjustments of the patient specific pump parameters.

2. claims: 1, 5, 17, 19-20

The second invention relates to executability of a patient specific protocol on a medical infusion pump, by formatting the patient specific protocol to correspond to the format understood by the medical infusion pump.

The application appears to lack unity within the meaning of Rule 13.1 PCT, since it does not relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. The application contains the two separate inventions defined above. These two inventions try to solve two different, independent problems and the only common general concept linking them together is the subject-matter of claims 1 and 10.

However, this common concept is not novel and not inventive, see the documents cited in the search report and the accompanying opinion, thus the requirement for unity of invention referred to in Rule 13.1 PCT is not fulfilled.

Independent claims 1 and 10, and the dependent claims 2-4, 6-9, 11-16 and 18, constituting the invention first mentioned in the claims, and representing the main invention of the application, have thus been searched.

**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No.
PCT/US2007/017133

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96/20745 A (ABBOTT LAB [US]) 11 July 1996 (1996-07-11) the whole document	1-4, 6-16, 18
X	US 2003/163088 A1 (BLOMQUIST MICHAEL L [US]) 28 August 2003 (2003-08-28) abstract, summary, paragraphs 28, 118-123, 125-129, 225, 228, Figures 12, 13.	1-4, 6-16, 18
X	US 5 935 099 A (PETERSON THOMAS L [US] ET AL.) 10 August 1999 (1999-08-10) col. 21 l. 41-45	1-4, 6-16, 18
X	GB 2 312 055 A (BAXTER INT [US]) 15 October 1997 (1997-10-15) abstract, summary, in particular claims 1-18, and page 9 l. 15 - p. 11 l. 4.	1-4, 6-16, 18
X	WO 2005/056083 A (SMITHS MEDICAL MD INC [US]; BLOMQUIST MICHAEL L [US]) 23 June 2005 (2005-06-23) figures 1, 3, abstract, summary, and in particular p. 4 l. 19 - p. 5 l. 27.	1-4, 6-16, 18
A	WO 2006/073400 A (ADVANCED MEDICAL OPTICS INC [US]; CLAU MICHAEL J [US]) 13 July 2006 (2006-07-13) abstract, summary, Figures 3 and 5, paragraphs 25, 27, 28	4, 13

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *I* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Z* document member of the same patent family

Patent Family Annex

Information on patent family members

International Application No

PCT/US2007/017133

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9620745	A	11-07-1996	AT 333910 T 15-08-2006
		AU 707041 B2 01-07-1999	
		AU 4655996 A 24-07-1996	
		DE 69636383 T2 16-08-2007	
		EP 0801578 A1 22-10-1997	
		ES 2268699 T3 16-03-2007	
		JP 11501529 T 09-02-1999	
		US 5685844 A 11-11-1997	
US 2003163088	A1	28-08-2003	NONE
US 5935099	A	10-08-1999	NONE
GB 2312055	A	15-10-1997	AU 713132 B2 25-11-1999
		AU 1708097 A 29-10-1997	
		CA 2223897 A1 16-10-1997	
		DE 69720637 D1 15-05-2003	
		DE 69720637 T2 22-01-2004	
		DE 69725617 D1 20-11-2003	
		DE 69725617 T2 15-04-2004	
		DK 837708 T3 21-07-2003	
		DK 0985421 T3 01-12-2003	
		EP 0837708 A1 29-04-1998	
		HK 1023955 A1 12-01-2001	
		HK 1028211 A1 11-05-2001	
		HK 1002353 A1 31-08-2001	
		JP 11507860 T 13-07-1999	
		JP 2004000775 A 08-01-2004	
		JP 2007075649 A 29-03-2007	
		NZ 329319 A 29-07-1999	
		SG 79298 A1 20-03-2001	
		SG 91851 A1 15-10-2002	
		SG 82049 A1 24-07-2001	
		WO 9737704 A1 16-10-1997	
		US 5782805 A 21-07-1998	
WO 2005056083	A	23-06-2005	AU 2004296794 A1 23-06-2005
		CA 2548256 A1 23-06-2005	
		EP 1704505 A2 27-09-2006	
		JP 2007512916 T 24-05-2007	
WO 2006073400	A	13-07-2006	AU 2005323538 A1 13-07-2006
		CA 2593227 A1 13-07-2006	
		EP 1833438 A1 19-09-2007	

Important Information

General

- The **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the international search report (see Art. 19 PCT).
- Any payment has to be made **directly** to this ISA, payments to other entities will not be accepted.
- In case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched.
- An **extension** of the set **time limit** cannot be granted.

Payment by cheque (not accepted as of 01/04/2008):

- The **date to be considered as the date on which the payment is made** is the **date of receipt of the cheque at the EPO**, provided that the cheque is **met**.
- Copies of cheques sent by fax or by post are not considered to be a valid payment.
- The fees shall be paid in euro, no equivalents in other currencies.
- No payments by cheque shall be accepted as of 01/04/2008 (date of receipt at the EPO).

Payment or transfer to a bank account:

- The **date to be considered as the date on which the payment is made** is the date on which the amount of the payment or the transfer is **actually entered** in a bank account or Giro account held by the EPO.
- The fees shall be paid in euros, no equivalents in other currencies, all charges to be carried by the applicant
- For a list of accounts held by the EPO please see http://www.european-patent-office.org/epo/new/bank_euro.pdf

Payment by deposit account with the EPO:

- The **date to be considered as the date on which the payment is made** is the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**.

***Note:** If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.*

Payment by credit card:

- Payments by **credit card** are **not possible**.

Payments under protest according to Rule 40 PCT:

- The protest will **not be accepted without a payment** of additional fees.
- The protest has to be **accompanied by a technical reasoning**.

Important information

Rule 40 PCT has been amended as of 1 April 2005. For general information on the protest procedure at ISA/EP, please refer to OJ EPO 3/2005, pages 226/227.

1. As in the past the payment of any additional fee may be made under protest i.e. accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive according to amended Rule 40.2(c) PCT.
2. After due receipt of the payment of the additional search fee(s) under protest (i.e. within one month from the date of the invitation), the EPO will, prior to examination of the protest by the Board of Appeal, subject the invitation to pay additional fees to an internal review. The result of this review will be communicated to the applicant.
3. The fee for examination of the protest (Rule 40.2(e) PCT) is payable within one month from the date of the invitation to pay additional fees (Rule 40.1(iii) PCT). However, in order to allow the applicant to consider the result of the internal review, the applicant may pay the protest fee within one month from the date of notification of the result of the review.
4. Should the applicant wish to maintain his protest in light of the review he must pay the protest fee within one month from the date of notification of the result of the internal review, in which case the protest will be referred to the Board of Appeal. Should the Board of Appeal find that the protest was entirely justified, the protest fee shall be refunded.
5. In the event of the applicant already having paid the protest fee before notification of the result of the review, the protest will be referred to the Board of Appeal **unless** the result of the internal review was that the protest was **entirely** justified or the applicant indicates within one month from the date of notification of the result of the review that he does not wish to continue the protest. In both cases, the protest fee will be refunded.

European Patent Organisation

Account details

N° 3 338 800 00 (BLZ 700 800 00)
Dresdner Bank
Promenadeplatz 7
D-80273 München
SWIFT Code: DRESDEFF700
IBAN: DE20 7008 0000 0333 880000
BIC: DRESDEFF